

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA, :

Plaintiff, :

vs. : Case No. CR-1-02-100(2)

MICHELLE MANGOTTI, : Senior Judge Rice

Defendant. :

MOTION FOR ORDER REQUIRING PRODUCTION OF RECORDS

Now comes Defendant Michelle Mangotti, by and through counsel, and hereby moves the Court for an Order requiring the Social Security Administration to produce records pertaining to Ms. Mangotti's son, Ryan Blankership.

As background, on June 16, 2005, this Court held a sentencing hearing in the above-referenced matter. During the hearing, the Court ordered Ms. Mangotti to submit a memorandum to the Court with attached records regarding her minor son. Ms. Mangotti is providing the records in her possession to the Court by way of a supplemental sentencing memorandum under seal. Counsel for Ms. Mangotti has been notified by the Social Security Administration that it has a fairly extensive file regarding Ryan's mental and physical health status at its Franklin, Ohio office. Ms. Mangotti has indicated to counsel that she has attempted to get such records, with no success.

Counsel for Ms. Mangotti obtained and sent a subpoena to the Middletown Social Security Administration office, but the office has refused to comply with the subpoena. In response, the Office of the General Counsel for the Social Security Administration sent a letter to Counsel for Ms. Mangotti explaining the grounds for refusal. A copy of the letter is attached hereto as Exhibit A. It appears from the letter that the Social Security Administration requires an actual Court Order

before it will turn over records. Accordingly, Ms. Mangotti requests that the Court order the production of the Social Security Administration records pertaining to Ryan Blankenship.

Counsel for Ms. Mangotti has contacted Assistant United States Attorney Amul Thapar, and Mr. Thapar takes no position on this motion because it involves the Social Security Administration, an agency of the United States Government.

Wherefore, Ms. Mangotti respectfully requests that this Court order the Social Security Administration to produce records to the Court regarding Ryan Blankenship.

Respectfully submitted,

STEVEN S. NOLDER,
ACTING FEDERAL PUBLIC DEFENDER

s/ Richard Smith-Monahan

Richard Smith-Monahan (0065648)
Assistant Federal Public Defender
2000 URS Center
36 East Seventh Street
Cincinnati, Ohio 45202
(513) 929-4834

Attorney for Defendant
Michelle Mangotti

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Amul Thapar, Assistant United States Attorney, by electronic court filing, on this 8th day of August, 2005.

s/ Richard Smith-Monahan

Richard Smith-Monahan